

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 01 SEP 2005

WIPO

PCT

Applicant's or agent's file reference <b>53389-184/DPC</b>	<b>FOR FURTHER ACTION</b>		See Form PCT/PEA/416
International application No. <b>PCT/CA2004/000441</b>	International filing date (day/month/year) <b>24.03.2004</b>	Priority date (day/month/year) <b>25.03.2003</b>	
International Patent Classification (IPC) or national classification and IPC <b>H01M8/02</b>			
Applicant <b>DUPONT CANADA INC. et al.</b>			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 4 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).			
4. This report contains indications relating to the following items: <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Box No. I      Basis of the opinion  <input type="checkbox"/> Box No. II     Priority  <input type="checkbox"/> Box No. III    Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  <input type="checkbox"/> Box No. IV    Lack of unity of invention  <input checked="" type="checkbox"/> Box No. V     Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement  <input type="checkbox"/> Box No. VI    Certain documents cited  <input type="checkbox"/> Box No. VII    Certain defects in the international application  <input type="checkbox"/> Box No. VIII   Certain observations on the international application         </div>			
Date of submission of the demand  <b>21.09.2004</b>		Date of completion of this report  <b>01.09.2005</b>	
Name and mailing address of the international preliminary examining authority:  <div style="display: flex; align-items: center;"> <div>             European Patent Office - P.B. 5818 Patentlaan 2              NL-2280 HV Rijswijk - Pays Bas              Tel. +31 70 340 - 2040 Tx: 31 651 epo nl              Fax: +31 70 340 - 3016           </div> </div>		Authorized Officer  <b>Standaert, F</b>  Telephone No. +31 70 340-	



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/CA2004/000441

---

**Box No. I Basis of the report**

---

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

**Description, Pages**

1-18 as originally filed

**Claims, Numbers**

1-12 as originally filed

**Drawings, Sheets**

1/6-6/6 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/CA2004/000441

---

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

---

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,2,4,6-8
Inventive step (IS)	Yes: Claims	
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**Re Item V.**

**1 Reference is made to the following documents:**

D1 : GB 2 326 017 A (\* MOTOROLA INC) 9 December 1998 (1998-12-09)

D2 : US 5 733 678 A (LEDJEFF ET AL) 31 March 1998 (1998-03-31)

**2 LACK OF NOVELTY**

**2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.**

Document D1 discloses (the references in parentheses applying to this document):

An electrochemical cell component comprising (page 1, line 4-5):

(a) gas diffusion layer comprising a porous body (page 1, line 29-31); and

(b) an electroconductive separator plate comprises at least one landing surface formed on a surface of the separator plate (see Figure 3), and the separator plate and landing surface comprising a polymer and conductive filler (page 5, line 15-25)

wherein the gas diffusion layer is joined to the separator plate by impregnating some of the polymer on the landing surface within a portion of the porous body (page 6, line 4-13).

Therefore the subject-matter of **claim 1** is not new.

**2.2 Furthermore, dependent claims 2-12 do not contain any additional features which, in combination with the features of any claim to which they refer, are new or involve an inventive step for the reason that the subject-matter of said claims is either directly derivable from the disclosure of document D1 (for claims 4, 6-8, see respectively page 5, line 15-19; page 4, line 31 - page 5, line 3 and page 6, line 14-28) or from a similar application described in document D2 (for claim 2: see column 8, line 57 - column 9, line 8), or represents simple design details which are generally known to the person skilled in the field of fuel cells (claims 3, 5, 9-12).**